

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILLIP SAEGER,

ORDER

Petitioner,

12-cv-1-bbc

v.

MS. CHAMPAGNE, Warden
Wisconsin Correctional Centers,
Lake Tomahawk, Wisconsin,

Respondent.

Phillip Saeger, an inmate at the John C. Burke Correctional Institution, located in Waupun, Wisconsin, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He has paid the \$5 filing fee. In his petition, he challenges convictions and sentences imposed by the Circuit Court for Washington County.

Under 28 U.S.C. § 2241(d), a petitioner who is in custody under the judgment and sentence of a state court in a state like Wisconsin containing two or more federal judicial districts may file his petition either in the federal district court for the district where he is in custody or in the federal district court for the district within which the state court was held that convicted and sentenced him. Both the John C. Burke Correctional Institution and the Circuit Court for Washington County are located in the Eastern District of Wisconsin. Wis. Stat. §

302.02(1m)(f). Therefore, under § 2241(d), the proper venue for this action is the Eastern District of Wisconsin.

Because of the time constraints placed on the filing of habeas petitions by § 2244(d), I find that it is more just to transfer petitioner's application to the Eastern District of Wisconsin for further hearing and determination, as allowed by § 2241(d), than to direct him to refile his petition in that court.

ORDER

IT IS ORDERED that the clerk of court shall transfer petitioner Phillip Saeger's petition for a writ of habeas corpus to the United States District Court for the Eastern District of Wisconsin pursuant to § 2241(d).

Entered this 22d day of February, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge